

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAVID ANTHONY HARRIS,)	
)	
Petitioner,)	
)	
v.)	1:22-cv-652
)	
MICHAEL HARDEE, Warden,)	
)	
Respondent.)	

ORDER

The matter is before this court for review of the Recommendation ("Recommendation") filed on August 5, 2024, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 50.) In the Recommendation, the Magistrate Judge recommends that Respondent's Motion for Summary Judgment should be granted, that the cognizable claims in the Petition should be denied, that Petitioner's remaining claims be denied, and this action be dismissed. The Recommendation was served on the parties in this action on August 5, 2024. (Doc. 51.) Petitioner timely filed objections, (Doc. 52), to the Recommendation.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the

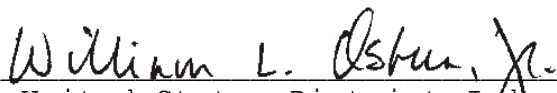
[M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which the objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 50), is **ADOPTED. IT IS FURTHER ORDERED** that Respondent's Motion for Summary Judgment, (Doc. 38), is **GRANTED**, that the Petition, (Doc. 1), is **DISMISSED** as to Claims 1, 2, 7, 9, and 13, that Petitioner's remaining claims are **DENIED** for the reasons cited in the Recommendation, and this action is hereby **DISMISSED**. The court further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 16th day of September, 2024.



United States District Judge